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COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983

FILED
FEB 25 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Name Totua Totua

(Last)

(First)

(Initial)

Prisoner Number #2352140

Institutional Address P.O. BOX 67 @ San Bruno, Ca. 94066

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VRW
(PR)

Totua Totua

(Enter the full name of plaintiff in this action.)

vs.

San Francisco Police Dept.

City of San Francisco

Chief of Police Heather Fong

County of San Francisco

(Enter the full name of the defendant(s) in this action))

CV 08

1126

Case No. _____

(To be provided by the clerk of court)

**COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983**

E. Long

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement _____

B. Is there a grievance procedure in this institution?

YES (✓) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (✓) NO ()

D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

008-1126-VRW

appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal _____

2. First formal level _____

3. Second formal level _____

4. Third formal level _____

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (✓) NO ()

F. If you did not present your claim for review through the grievance procedure, explain why.

(NA) THESE CHARGES ARE A FEDERAL MATTER - 42 U.S.C. 1983

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

Totua Totua

P.O. BOX 67 @ San Bruno, Ca. 94066

B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

III.

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

I was on the corner of O'Farrell and Jones sts. at 9:00am on the 2nd of January when police pulled-up, stopped, and two officers got out. I turned to move aside, and give them room, assuming they were clearing the corner, when one officer shouted come-here you. I stopped, and complied with their order/command. After doing a thorough search of my person, and finding nothing whatsoever, they assumed I was swallowing something so they immediately grabbed my throat, both officers at the same time, and I couldn't breath at all, started passing out, when they body-slammed me, and retrieved no drugs at all, I didn't cough anything up, hadn't swallowed anything. I was then given the traditional "trumped-up-charge" of resisting arrest to justify and validate their excessive force.

IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

TO BE DETERMINED BY COUNSEL @ LATER DATE.

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7 I declare under penalty of perjury that the foregoing is true and correct.

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9 Signed this 18th day of Feburary, 20 08

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11 Totua Totua 2/18/08
12 (Plaintiff's signature)
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Mr. Totua Totua
P.O. Box 67
San Bruno, Ca. 94066

Wm St



RECEIVED

FEB - 1 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States District Court
For the Northern District of
California

450 Golden Gate Avenue Box 36060
San Francisco, California 94102

cc Richard W. Wieking - Clerk

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